

**ORIGINAL  
FILED**

AUG 21 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**E-filing****HRL**

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Linshi MIAO;  
Peng QI**C 07 4305**  
Case No.

10	Plaintiffs	} COMPLAINT FOR WRIT IN THE
11	vs.	} NATURE OF MANDAMUS
12	MICHAEL CHERTOFF, Secretary of the	}
13	Department of Homeland Security;	}
14	ROBERT S. MUELLER, Director of Federal	}
	Bureau of Investigation	
15	Defendants.	"} "Immigration Case"

16 Plaintiffs Linshi MIAO and Peng QI, by and through their undersigned attorney, sue  
 17 Defendants and state as follows:

18 1. This action is brought against the Defendants to compel action on their Applications to Adjust  
 19 to Permanent Resident Status, or Form I-485, by Plaintiffs Linshi MIAO and Peng QI, wife and  
 20 husband, based on Plaintiff Linshi MIAO's employment, properly filed by the Plaintiffs. The I-485  
 21 applications remain within the jurisdiction of the Defendants, who have improperly withheld action  
 22 on said application to Plaintiffs' detriments.

**PARTIES**

23 2. Plaintiffs Linshi MIAO and Peng QI are natives and citizens of the People's Republic of  
 24 China. Their Form I-485, Applications to Register Permanent Resident or Adjust Status, were  
 25 received by the U.S.C.I.S. on December 10, 2003 (**Exhibit 1: Notices of I-485 Receipt**) and are  
 26 seeking to become lawful permanent residents of the United States as beneficiaries of an approved  
 27 I-140 Immigrant Petition for Alien Worker.

**Case No.:**

PLAINTIFFS' ORIGINAL COMPLAINT

F:\LING\Mandamus\485 Employment Based\MIAO Linshi and QI Peng\Complaint.wpd

1       3.     Defendant Michael Chertoff is the Secretary of the Department of Homeland Security  
2 (DHS), and this action is brought against him in his official capacity. He is generally charged  
3 with enforcement of the Immigration and Nationality Act, and is further authorized to delegate  
4 such powers and authority to subordinate employees of the DHS 8 U.S.C. 1103(a); 8 C.F.R. 2.1.

5       4.      Defendant Robert S. Mueller, III, is Director of the Federal Bureau of Investigations (FBI),  
6      the law enforcement agency that conducts security clearances for other U.S. government agencies,  
7      such as the Department of State. As will be shown, Defendant has failed to complete the security  
8      clearances on Plaintiffs' cases.

## JURISDICTION

10 5. Jurisdiction in this case is proper under 28 USC §§1331 and 1336, 5 USC §701 *et seq.*,  
11 and 28 USC §2201 *et seq.* Relief is requested pursuant to said statutes.

## VENUE

13 6. Venue is proper in this court, pursuant to 28 USC §1331(e), in that this is an action  
14 against officers and agencies of the United States in their official capacities, brought in the  
15 District where the Plaintiffs reside if no real property is involved in the action.

## **EXHAUSTION OF REMEDIES**

17 | 7. Plaintiffs have exhausted their administrative remedies.

## **CAUSE OF ACTION**

19 8. Plaintiffs Linshi MIAO and Peng QI, wife and husband, are natives and citizens of the  
20 People's Republic of China. Their Form I-485, Applications to Register Permanent Resident or  
21 Adjust Status, were filed concurrently with the I-140 (Immigrant Petition for Alien Worker) filed  
22 by Plaintiff Linshi MIAO's employer CNT Corporation and their I-485 were received by the  
23 U.S.C.I.S. on December 10, 2003 (**Exhibit 1: Notices of I-485 Receipt**). Plaintiff Linshi  
24 MIAO's I-140 was approved on July 19, 2004 (**Exhibit 2: Approval Notice of I-140**).

25 9. According to the Service Center processing dates, the USCIS Texas Service Center is  
26 currently processing I-485 employment-based adjustment application filed on August 7, 2006  
27 (**Exhibit 3: Copy of TSC Processing Dates Posted on July 16, 2007**). Plaintiffs' I-485  
28 applications have now remained pending for three years and eight months from the date of the

1 filing.

2 10. Defendants' refusal to act in this case is, as a matter of law, arbitrary and not in accordance  
3 with the law. Defendants unreasonably have delayed in and have refused to adjudicate Plaintiffs'  
4 I-485 applications for three years and eight months from the date of filing, thereby depriving  
5 Plaintiffs of the rights to the decision on their applications and the peace of mind to which  
6 Plaintiffs are entitled.

7 11. Plaintiffs have been damaged by the failure of Defendants to act in accord with their duties  
8 under the law.

9 (a) Plaintiffs Linshi MIAO and Peng QI have been damaged by simply being deprived  
10 of the adjudication of their Applications to Adjust to Permanent Resident Status for  
11 three years and eight months. Plaintiffs have also been unable to plan any foreign  
12 travel or pursue a future course of action in the United States due to the pendency  
13 of their I-485 applications.

14 (b) Plaintiffs Linshi MIAO and Peng QI have further been damaged in that their  
15 employment authorization and travel document are tied to their status as applicants  
16 for permanent residency and are limited to increments not to exceed one year. 8  
17 CFR §274a.12©)(9). Therefore, Plaintiffs have been forced to repeatedly apply and  
18 pay for extensions of employment authorization and travel documents for four  
19 times respectively (**Exhibit 4: Copies of EAD Cards and Advance Parole**  
20 **Documents for both Plaintiffs**), to the continued inconvenience and harassment  
21 of Plaintiffs to continually insure their work and travel eligibility.

22 (c) Plaintiffs have been further damaged in that their naturalization applications, for  
23 which they are eligible to apply five years upon receipt of their Permanent Resident  
24 status, have now been delayed due to the pendency of their I-485 applications.

25 12. The Defendants, in violation of the Administrative Procedures Act and Mandamus Act, 5  
26 USC §701 *et seq.*, are unlawfully withholding or unreasonably delaying action on Plaintiffs' I-485  
27 applications and have failed to carry out the adjudicative functions delegated to them by law with  
28 regard to Plaintiffs' case.

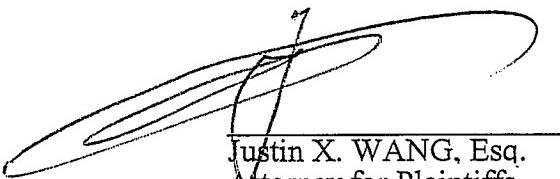
**PRAYER**

1  
2  
3  
4  
13. WHEREFORE, in view of the arguments and authority noted herein, Plaintiffs  
respectfully pray that the Defendants be cited to appear herein and that, upon due consideration,  
the Court enter an order:

- 5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  - (a) requiring Defendants to expeditiously complete Plaintiffs' FBI Security Check for their I-485 applications, if security check is the only reason for the delay;
  - (b) requiring Defendants to expeditiously process Plaintiffs' I-485 Applications to conclusion;
  - (c) awarding Plaintiffs reasonable attorney's fees under the Equal Access to Justice Act; and
  - (d) granting such other relief at law and in equity as justice may require.

Dated: August 17, 2007

Respectfully submitted,



Justin X. WANG, Esq.  
Attorney for Plaintiffs

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

#### CERTIFICATION OF INTERESTED ENTITIES OR PERSON

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

Dated: August 17, 2007

Respectfully submitted,

Justin X. WANG, Esq.  
Attorney for Plaintiffs

1  
2  
3 **LIST OF ATTACHMENTS**

<i>Exhibit</i>	<i>Description</i>
1	Notices of I-485 Receipts
2	Approval Notice of I-140
3	Copy of TSC Processing Dates Posted on June 18, 2007
4	Copies of EAD Cards and Advance Parole Documents for both Plaintiffs

Exhibit 1

U.S. Department of Justice  
Immigration and Naturalization Service

## Notice of Action

RECEIVED NUMBER EAC-04-051-50193		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE December 10, 2003	PRIORITY DATE	APPLICANT A97 971 496 MIAO, LINSHI
NOTICE DATE December 15, 2003	PAGE 1 of 1	
WILLIAM A. STOCK DECHEMPT LLP 4000 BELL ATLANTIC TOWER 3717 ARCH ST PHILADELPHIA, PA 19103-2793		Notice Type: Receipt Notice  Amount received: \$ 305.00 Section: Adjustment as direct beneficiary of immigrant petition

The above application or petition has been received. It usually takes 360 to 540 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (202) 775-5283 to obtain case status information directly from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCCC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-7833.

You can also visit the INS on the Internet at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). On our web site you can get up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.  
**IMMIGRATION & NATURALIZATION SERVICE**  
**VERMONT SERVICE CENTER**  
**75 LOWER WELDEN STREET**  
**SAINT ALBANS VT 05479-0001**  
**Customer Service Telephone: (800) 375-5283**



AUG-17-2007 FRI 01:12 PM B  
U.S. DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

FAX NO. 401 33 7934

P. 20

U.S. Department of Justice  
Immigration and Naturalization Service

## Notice of Action

RECEIPT NUMBER <b>EAC-04-051-50204.</b>		CASE TYPE <b>I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS</b>
RECEIVED DATE <b>December 10, 2003</b>	PRIORITY DATE	APPLICANT <b>A97 971 497</b> <b>QI, PENG</b>
NOTICE DATE <b>December 15, 2003</b>	PAGE <b>1 of 1</b>	
<b>WILLIAM A. STOCK</b> <b>DECHEM LEP</b> <b>4000 BELL ATLANTIC TOWER</b> <b>1717 ARCH ST</b> <b>PHILADELPHIA PA 19103-2793</b>		<b>Notice Type:</b> Receipt Notice  <b>Amount Received:</b> \$ .305.00  <b>Section:</b> Derivative adjustment

The above application or petition has been received. It usually takes 60-90 days from the date of this receipt plus processing time for this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number 1-800-375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

You can also visit the INS on the Internet at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). On our web site you can get up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION &amp; NATURALIZATION SERVICE

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5283



Exhibit 2

Department of Homeland Security  
U.S. Citizenship and Immigration Services

I-797, Notice of Action

RECEIPT NUMBER EAC-04-051-50190	CREATIV E140
RECEIPT DATE December 15, 2003	PRIORITY DATE August 28, 2001
NOTICE DATE July 19, 2004	PAGE 1 of 1
<b>IMMIGRANT PETITION FOR ALIEN WORKER</b> <b>PETITIONER</b> CNT CORPORATION <b>BENEFICIARY</b> A97 971 496 MIAO, LINSHI	
WILLIAM A. STOCK DECHERT LLP 4000 BELL ATLANTIC TOWER 1917 ARCH ST PHILADELPHIA PA 19103-2793	
Notice Type: Approval Notice Section: Skilled Worker or Professional, Sec.203(b)(3)(A)(i) or (ii)	

The above petition has been approved. The person this petition is for will be notified separately when a decision is reached on his or her pending adjustment of status application.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.  
**IMMIGRATION & NATURALIZATION SERVICE**  
**VERMONT SERVICE CENTER**  
 75 LOWER WELDEN STREET  
 SAINT ALBANS VT 05479-0001  
 Customer Service Telephone: (800) 375-5283



Exhibit 3

[Home](#) [Contact Us](#) [Site Map](#) [FAQ](#)[Search](#)[Advanced Search](#)[Services & Benefits](#)[Immigration Forms](#)[Laws & Regulations](#)[About USCIS](#)[Education & Resources](#)[Press Room](#)[Print This Page](#) [Back](#)

## **U.S. Citizenship and Immigration Services Texas Service Center Service Center Processing Dates Posted July 16, 2007**

**Notice:** U.S. Citizenship and Immigration Services (USCIS) has improved the reporting procedure for processing times of immigration benefit applications. In the past, USCIS benefit processing reports indicated the specific type of applications or petitions that were being processed and the date the cases were received. However, the date the case was received did not provide a clear indication of when USCIS expected to complete the case, nor did it provide a clear indication of USCIS' commitment to process cases within a certain cycle time. It also did not align with the processing times and cycle times the agency reports in other contexts.

This improved reporting procedure is an effort to give our customers more accurate information that better reflects current processing time and USCIS service level commitments. Effective immediately, when we are completing applications and petitions within our service level goals we will report that as the processing time. For example, when our service level goal is to process a particular kind of case within six months, and if our processing time is six months or less, we will show a date consistent with our service level goal because that reflects our commitment.

When we are not meeting our service level goal, the date posted will reflect the filing date of cases that are being completed. It should be noted that while in some instances reported processing dates may appear to have regressed due to this change, they do not reflect a lengthening of USCIS processing times, but simply the change in reporting. Our goal is to provide accurate projections and thus give customers clear expectations as to what they can expect as a processing time.

**There are several important exceptions to the processing times shown below:**

- Case processing will be delayed if we must ask you for more evidence or information.  
If we ask for missing required initial evidence, count the processing time from when we receive that missing evidence.
- The case processing timeframe will start over if a customer doesn't appear for an interview or asks that it be rescheduled.

**What if I have a problem or have questions about a case?**

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our fact sheet –

[\*\*Case Services - How do I... know what kind of services are available to me after I file my application or petition?\*\*](#)

One additional point about these projections. They are the time to complete processing and mail the actual notice and/or document. If you check case status online and see that your case has been approved, and you haven't yet received your approval notice or document in the mail, we ask that you wait thirty days from the approval date before contacting us. That is

because it may take that long before it is returned to us as undeliverable. You can also print the case status online answer for your records.

Service Center Processing Dates for **Texas Service Center** Posted July 16, 2007

Form	Title	Classification or Basis for Filing	Now Processing Cases with Receipt Notice Date of
I-90	Application to Replace Permanent Resident Card	Initial issuance or replacement	January 13, 2007
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	Initial issuance or replacement of a Form I-94	April 14, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Visa to be issued abroad	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Change of status in the U.S.	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Extension of stay in the U.S.	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	H-2A - Temporary workers	June 30, 2007
I-129	Petition for A Nonimmigrant Worker	H-2B - Other temporary workers	June 15, 2007
I-129	Petition for A Nonimmigrant Worker	H-3 - Temporary trainees	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	E - Treaty traders and investors	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	L - Intracompany transfers	June 15, 2007
I-129	Petition for A Nonimmigrant Worker	Blanket L	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	O - Extraordinary ability	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	P - Athletes, artists, and entertainers	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	Q - Cultural exchange visitors and exchange visitors participating in the Irish Peace process	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	R - Religious occupation	May 15, 2007
I-129	Petition for A Nonimmigrant Worker	TN - North American Free Trade Agreement (NAFTA) professional	May 15, 2007
I-131	Application for Travel Document	All other applicants for advance parole	April 14, 2007
I-140	Immigrant Petition for Alien Worker	Extraordinary ability	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Outstanding professor or researcher	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Multinational executive or manager	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Schedule A Nurses	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Advanced degree or exceptional ability	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Advanced degree or exceptional ability requesting a National Interest Waiver	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Skilled worker or professional	January 13, 2007
I-140	Immigrant Petition for Alien Worker	Unskilled worker	January 13, 2007
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	All other special immigrants	October 04, 2006

I-485	Application to Register Permanent Residence or to Adjust Status	Employment-based adjustment applications	August 07, 2006
I-485	Application to Register Permanent Residence or to Adjust Status	Based on grant of asylum more than 1 year ago	August 01, 2004
I-526	Immigrant Petition By Alien Entrepreneur	For use by an entrepreneur who wishes to immigrate to the United States	January 13, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change of status to H or L dependents	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change status to the F or M academic or vocational student categories	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change Status to the J exchange visitor category	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	All other change of status applications	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of stay for H and L dependents	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for F or M academic or vocational students	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for J exchange visitors	April 14, 2007
I-539	Application to Extend/Change Nonimmigrant Status	All other extension applications	April 14, 2007
I-612	Application for Waiver of the Foreign Residence Requirement	Application for a waiver of the 2-year foreign residence requirement based on exceptional hardship or persecution	August 19, 2006
I-751	Petition to Remove the Conditions on Residence	Removal of lawful permanent resident conditions (spouses of U.S. citizens and lawful permanent residents)	January 13, 2007
I-765	Application for Employment Authorization	Based on a request by a qualified F-1 academic student. [(c)(3)]	April 28, 2007
I-765	Application for Employment Authorization	Based on a pending asylum application [(c)(8)]	June 16, 2007
I-765	Application for Employment Authorization	Based on a pending I-485 adjustment application [(c)(9)]	April 28, 2007
I-765	Application for Employment Authorization	Based on TPS for Honduras/Nicaragua [(c)(19), (a)(12)]	April 28, 2007
I-765	Application for Employment Authorization	Based on TPS for El Salvador [(c)(19)(a)(12)]	April 28, 2007
I-765	Application for Employment Authorization	All other applications for employment authorization	April 28, 2007
I-817	Application for Family Unity Benefits	Voluntary departure under the family unity program	January 13, 2007
I-824	Application for Action on an Approved Application or Petition	To request further action on an approved application or petition	January 13, 2007
I-829	Petition by Entrepreneur to Remove Conditions	Removal of lawful permanent resident conditions (immigrant investors)	January 13, 2007

I-829

Petition by Entrepreneur to Remove  
Conditions

Removal of lawful permanent resident conditions  
(immigrant investors) based on PL107-273

January 13, 2007

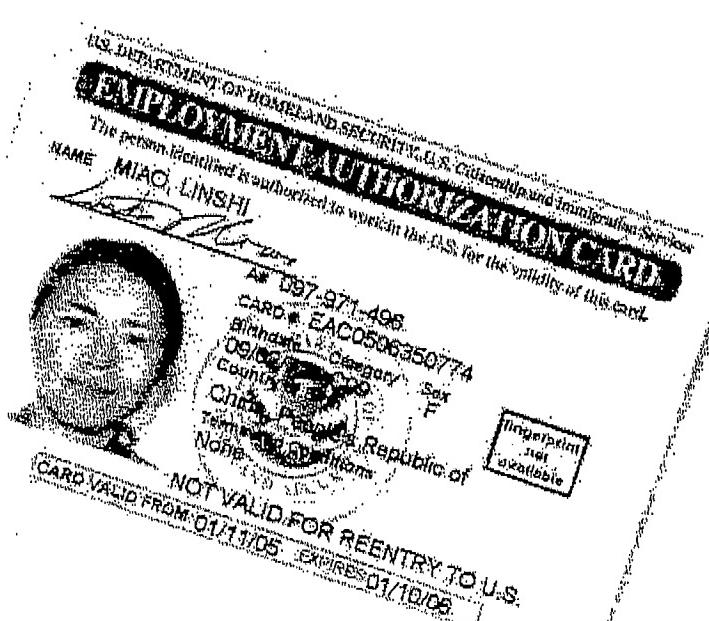
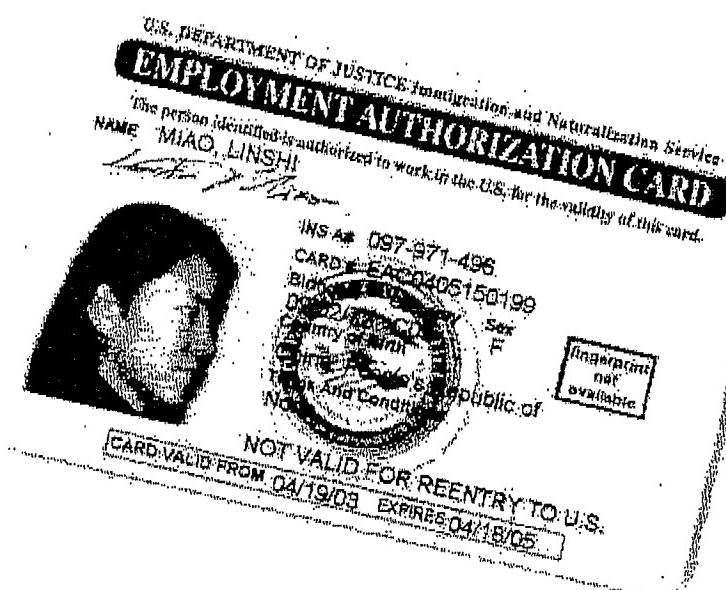
[Print This Page](#)

[Back](#)

[Home](#) [Contact Us](#) [Privacy Policy](#) [Website Policies](#) [NoFEAR](#) [Freedom Of Information Act](#) [FirstGov](#)

[U.S. Department of Homeland Security](#)

Exhibit 4



U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Citizenship and Immigration Services

**EMPLOYMENT AUTHORIZATION CARD**

The person identified is authorized to work in the U.S. for the validity of this card.

NAME MIAO, LINSHI  
*Lisha Miao*



A# 097-971-496  
CARD # EAC0622150984  
Birthdate Category Sex  
09/09/1980 C 09 F  
Country of Birth  
CHINA People's Republic of  
Term of Employment  
None  
Name and Security  
Level

fingerprint  
not available

NOT VALID FOR REENTRY TO U.S.

CARD VALID FROM 10/18/06 EXPIRES 10/17/07

U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Citizenship and Immigration Services

**EMPLOYMENT AUTHORIZATION CARD**

The person identified is authorized to work in the U.S. for the validity of this card.

NAME MIAO, LINSHI  
*Lisha Miao*



A# 097-971-496  
CARD # EAC0600651609  
Birthdate Category Sex  
09/09/1980 C 09 F  
Country of Birth  
CHINA People's Republic of  
Term of Employment  
None  
Name and Security  
Level

fingerprint  
not available

NOT VALID FOR REENTRY TO U.S.

CARD VALID FROM 10/18/06 EXPIRES 10/17/06

Department of Homeland Security  
U.S. Citizenship and Immigration Services

### Authorization for Parole of an Alien into the United States

(Family Name)	(Given Name)	(Middle Name)	Date Issued
MIAO, LINSHI			04/28/2004
Date of Birth (Month/Day/Year)	Country of Birth	(City or Town)	(State or Province) (Country)
09/02/1972	CHINA, PEOPLE'S REPUBLIC OF		
U.S. Address (Apt. Number and/or Box #)		(Street Number and Name)	(City) (State or Province) (Zip/Postal Code)
		15 C CLOVER PATH, MAPLE SHADE NJ 08052	

Presentation of this document will authorize a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act for bringing an alien who does not have a visa.

Presentation of the original of this document prior to 04/27/2005 will authorize an immigration officer at a port of entry in the United States to permit the named bearer, whose photograph appears herein, to enter the United States.

As an alien paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act.

**AUTHORIZATION:** The named bearer was authorized to depart the United States temporarily for bona fide business or personal reasons and intends to return to the United States to await the adjudication of his/her application for adjustment of status filed under the Immigration and Nationality Act (Act). Contingent upon the applicant's prima facie eligibility, this authorization is valid for multiple applications for parole into the United States during the validity of the parole authorization noted above. Each parole period is not to exceed one year from the date of parole at the port-of-entry.

**NOTICE TO APPLICANT:** Presentation of this authorization will permit you to resume your application for adjustment of status upon your return to the United States, if otherwise admissible under the Act. If your adjustment application is denied, you may be subject to removal proceedings under sections 235(b)(1) or 240 of the Act. If after April 1, 1997, you depart the United States after you were unlawfully present in the United States for more than 180 days before applying for adjustment of status, you may be found inadmissible under section 212(a)(9)(B)(i) of the Act and may not be permitted to enter when you return to the United States to resume the processing of your application. If found inadmissible, you will need to apply and qualify for a waiver of inadmissibility outside of the United States in order for your adjustment of status application to be approved.

*Sandra T. Bushey*  
(Signature of Immigration Officer)

Sandra T. Bushey



Vermont Service Center

(Authorizing Officer)

(Parole Stamp)

Department of Homeland Security  
U.S. Citizenship and Immigration Services

### Authorization for Parole of an Alien into the United States

(Family Name)	(Given Name)	(Middle Name)	Date Issued
<b>MAO, LINSHI</b>			<b>1/18/2005</b>
Date of Birth (Month/Day/Year)	Country of Birth	(City or Town)	(State or Province) (Country)
<b>09/02/1972</b>	<b>CHINA, PEOPLE'S REPUBLIC OF</b>		
U.S. Address (Apartment Number and/or Unit #)	(Street Number and Name)	(City)	(State or Province) (Zip/Postal Code)
<b>5702 BALTIMORE DRIVE, MARLTON, NJ 08053</b>			

Presentation of this document will authorize a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act for bringing an alien who does not have a visa.

Presentation of the original of this document prior to **1/17/2006** will authorize an immigration officer at a port of entry in the United States to permit the named bearer, whose photograph appears hereon, to enter the United States.

- As an alien paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act.

**AUTHORIZATION:** The named bearer was authorized to depart the United States temporarily for bona fide business or personal reasons and intends to return to the United States to await the adjudication of his/her application for adjustment of status filed under the Immigration and Nationality Act (Act). Contingent upon the applicant's prima facie eligibility, this authorization is valid for multiple applications for parole into the United States during the validity of the parole authorization noted above. Each parole period is not to exceed one year from the date of parole at the port of entry.

**NOTICE TO APPLICANT:** Presentation of this authorization will permit you to resume your application for adjustment of status upon your return to the United States, if otherwise admissible under the Act. If your adjustment application is denied, you may be subject to removal proceedings under sections 235(b)(1) or 240 of the Act. If after April 1, 1997, you depart the United States after you were unlawfully present in the United States for more than 180 days before applying for adjustment of status, you may be found inadmissible under section 212(a)(9)(B)(i) of the Act and may not be permitted to enter when you return to the United States to resume the processing of your application. If found inadmissible, you will need to apply and qualify for a waiver of inadmissibility outside of the United States in order for your adjustment of status application to be approved.

*Paul E. Novak Jr.*

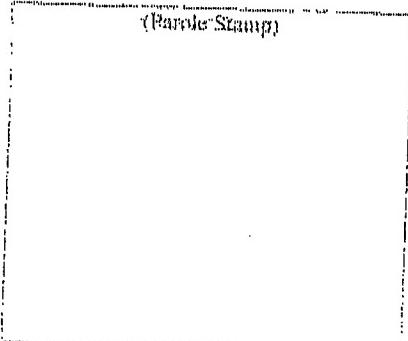
(Signature of Immigration Officer)

Paul E. Novak Jr.



Vermont Service Center  
(Authorizing Officer)

(Parole Stamp)



## Authorization for Parole of an Alien into the United States

(Family Name)	(Given Name)	(Middle Name)	Date Issued
MIAO, LINSHI			10/21/2005
Date of Birth (Month/Day/Year)	Country of Birth	(City or Town)	(State or Province)
09/02/1972	CHINA, PEOPLE'S REPUBLIC OF		(Country)
U.S. Address (Apt. Number and/or In Care Of)	(Street Number and Name)	(City)	(State or Province)
5702 BALTIMORE DRIVE, MARLTON NJ 08053			(Zip/Postal Code)

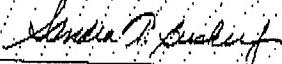
Presentation of this document will authorize a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act for bringing an alien who does not have a visa.

Presentation of the original of this document prior to 10/20/2006 will authorize an immigration officer at a port of entry in the United States to permit the named bearer, whose photograph appears hereon, to enter the United States:

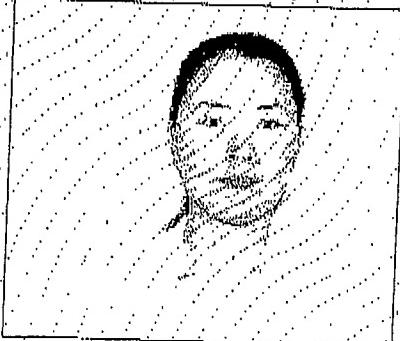
- As an alien paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act.

**AUTHORIZATION:** The named bearer was authorized to depart the United States temporarily for bona fide business or personal reasons and intends to return to the United States to await the adjudication of his/her application for adjustment of status filed under the Immigration and Nationality Act (Act). Contingent upon the applicant's prima facie eligibility, this authorization is valid for multiple applications for parole into the United States during the validity of the parole authorization noted above. Each parole period is not to exceed one year from the date of parole at the port-of-entry.

**NOTICE TO APPLICANT:** Presentation of this authorization will permit you to resume your application for adjustment of status upon your return to the United States, if otherwise admissible under the Act. If your adjustment application is denied, you may be subject to removal proceedings under sections 235(b)(1) or 240 of the Act. If after April 1, 1997, you depart the United States after you were unlawfully present in the United States for more than 180 days before applying for adjustment of status, you may be found inadmissible under section 212(a)(9)(B)(i) of the Act and may not be permitted to enter when you return to the United States to resume the processing of your application. If found inadmissible, you will need to apply and qualify for a waiver of inadmissibility outside of the United States in order for your adjustment of status application to be approved.

  
(Signature of Immigration Officer)

Sandra T. Bushey



Vermont Service Center

(Authorizing Officer)

(Parole Stamp)

Department of Homeland Security  
U.S. Citizenship and Immigration Services

I-512L, Authorization for Parole  
of an Alien Into the United States

(Family Name)	(Given Name)	(Middle Initial)	Date Issued
MIAO, LINSHI			August 31, 2006
Date of Birth (Month/Day/Year)	Country of Birth	(City or Town)	(State or Province)
09/02/1972	CHINA, PEOPLE'S REPUBLIC OF		(Country)
U.S. Address (Apt number and/or in care of)	(Street Number and Name)	(City)	(State or Province)
5702 BALTIMORE DRIVE, MARLTON NJ 08053		(Zip/Postal Code)	

**TRAVEL AUTHORIZATION:** Presentation of the original of this document authorizes a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act (Act) for bringing an alien who does not have a visa.

**PAROLE:** The named bearer of this authorization is an applicant for adjustment of status under the Act. The bearer departed the United States temporarily and intends to return to the United States to resume processing of the adjustment of status application. Presentation of the original of this document prior to August 30, 2007 allows a Customs and Border Protection (CBP) Inspector at a port-of-entry to parole the named bearer, whose photograph appears hereon, into the United States based upon urgent humanitarian reasons or significant public benefit. This authorization is valid for multiple applications for parole into the United States during the validity period noted above. Each parole period shall not exceed one year from the date of parole at the port-of-entry.

Approved

Conditions/Comments:

**NOTICE - READ BEFORE YOU TRAVEL ABROAD**

Parole is not admission into the United States. Presentation of this authorization will allow a CBP Inspector at a port-of-entry to parole you into the United States, which will allow you to resume your application for adjustment of status. Parole is not an "admission," so even after your parole you will remain an "applicant for admission." If you are found inadmissible, you will need to apply and qualify for a waiver of inadmissibility. If your adjustment application is denied, you may be subject to removal proceedings as an inadmissible alien under 235(b)(1) or 240 of the Act.

Parole into the United States is not guaranteed. In all cases, you are still subject to immigration inspection at a port-of-entry to determine whether you are eligible to come into the United States via the terms of this document. Even if you have previously been granted parole, the Department of Homeland Security retains discretion to deny you parole if the Department determines approving your parole application would not serve the public interest of the United States.

**Travel Warning Regarding Unlawful Presence.** If you have been unlawfully present in the United States, you may want to ask an immigration attorney or a representative at an immigrant assistance organization accredited by the Board of Immigration Appeals (BIA) whether leaving the United States would make you inadmissible and therefore ineligible for adjustment of status. Under section 212(a)(9)(B)(i) of the Act, aliens who depart the United States after being unlawfully present in the United States for certain periods may become subject to new or additional grounds of inadmissibility because of their travel abroad. If you were unlawfully present in the United States for more than 180 days after April 1, 1997, you may be found inadmissible when you return to the United States. If you were unlawfully present in the United States for more than 180 days but less than one year after April 1, 1997 and then departed voluntarily before the start of removal proceedings, you are inadmissible for three years. If you were unlawfully present for one year or more after April 1, 1997 and then departed, you are inadmissible for ten years. Obtaining advance authorization for parole will not relieve you of inadmissibility under 212(a)(9)(B)(i).

**Inadmissibility in general.** If you have concerns about admissibility and waivers you should contact an immigration attorney or an immigrant assistance organization accredited by the BIA before making foreign travel plans.

*Paul E. Novak Jr.*

Paul E. Novak Jr.



Vermont Service Center  
75 Lower Welden Street  
St. Albans, Vermont 05479-0001

(Authorizing Office)

Parole Stamp

## IMPORTANT INFORMATION – SAVE THIS MAILER

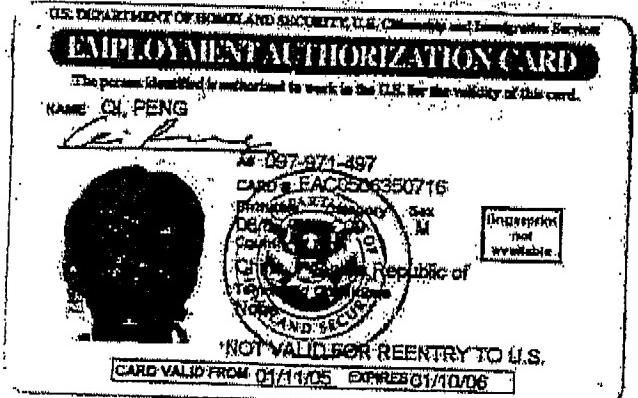
Use this section to speed your application for an extension or replacement card (see below).  
Do Not Bend or Fold This Cut-off Section.

QI, PENG  
5702 BALTIMORE DRIVE  
MARLTON, NJ 08053

A# 097-971-497

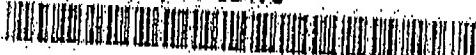
~~S~~ (Do not Bend or Fold This Cut-off Section)

Form I-797D (Rev. 3-30-04)



USCIS has a guide for new Permanent Residents called *Welcome to the United States: A Guide for New Immigrants*. It has important information about your rights and responsibilities. The guide is available in English and 10 other languages at <http://www.uscis.gov>.

75 Lower Welden Street  
St. Albans, VT 05479



USCIS Vermont Service Center

Phone Number 1-800-375-5283

Date 01/12/06

A# 097-971-497

Receipt #: EAC0506350716

U.S. DEPARTMENT OF JUSTICE, Immigration and Naturalization Service

**EMPLOYMENT AUTHORIZATION CARD**

The person identified is authorized to work in the U.S. for the validity of this card.  
NAME: QI, PENG



CARD VALID FROM 04/19/04 EXPRIES 04/19/05

mailed to you, please call our USCIS National Customer Service Center at 1-800-375-5283, or check our website at <http://www.uscis.gov>.

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. Citizenship and Immigration Services

**EMERGENCY AUTHORIZATION CARD**

The person identified is authorized to work in the U.S. for the validity of this card.

NAME  
QI, PENG

卷之三

CARD # EAC0000056

ДИНАМИКА

卷之三

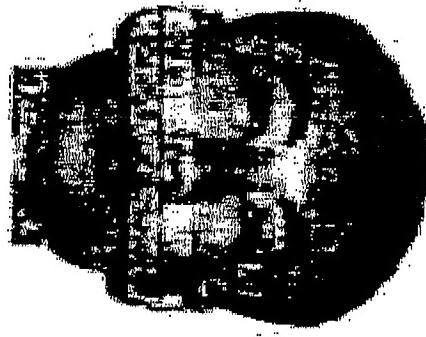
卷之三

卷之三

None

卷之三

\*NOT VALID FOR REENTRY TO U.S.



Digitized by  
Digitized by  
Digitized by

CARD VALID FROM 10/18/05 EXPIRES 10/17/06

**IMPORTANT INFORMATION – SAVE THIS MAILER**

Use this section to speed your application for an extension or replacement card (see below).  
**Do Not Bend or Fold This Cut-off Section.**

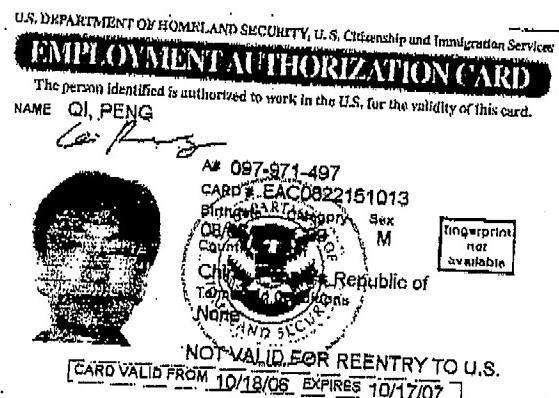
QI, PENG  
 5702 BALTIMORE DRIVE  
 MARLTON, NJ 08053

A# 097-971-497



**(Do not Bend or Fold This Cut-off Section)**

Form I-797D (Rev.9-30-04)



USCIS has a guide for new Permanent Residents called *Welcome to the United States: A Guide for New Immigrants*. It has important information about your rights and responsibilities. The guide is available in English and 10 other languages at <http://www.uscis.gov>.

75 Lower Welden Street  
 St. Albans, VT 05479



USCIS Vermont Service Center

Phone Number 1-800-375-5283

Date 08/25/06

A# 097-971-497

Receipt # EAC0622151013

QI, PENG  
 5702 BALTIMORE DRIVE  
 MARLTON, NJ 08053



U.S. Citizenship  
 and Immigration  
 Services

Department of Homeland Security  
U.S. Citizenship and Immigration Services

### Authorization for Parole of an Alien into the United States

(Family Name)	(Given Name)	(Middle Name)	Date Issued
<b>QI, PENG</b>			<b>04/28/2004</b>
Date of Birth (Month/Day/Year)	Country of Birth	(City or Town)	(State or Province)
<b>08/07/1973</b>	<b>CHINA, PEOPLE'S REPUBLIC OF</b>		(Country)
U.S. Address (Apt. Number and/or In Care Of)	(Street) Number and Name	(City)	(State or Province)
<b>15 C CLOVER PATH, MAPLE SHADE NJ 08052</b>		(Zip/Postal Code)	

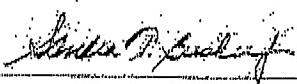
Presentation of this document will authorize a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act for bringing an alien who does not have a visa.

Presentation of the original of this document prior to **04/27/2005** will authorize an immigration officer at a port of entry in the United States to permit the named bearer, whose photograph appears herein, to enter the United States:

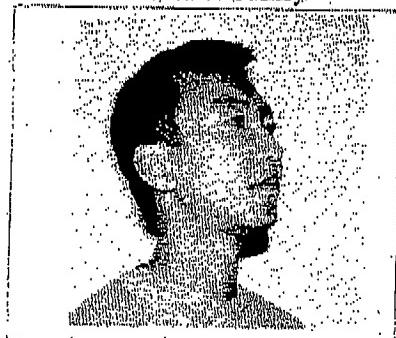
As an alien paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act.

**AUTHORIZATION:** The named bearer was authorized to depart the United States temporarily for bona fide business or personal reasons and intends to return to the United States to await the adjudication of his/her application for adjustment of status filed under the Immigration and Nationality Act (Act). Contingent upon the applicant's prima facie eligibility, this authorization is valid for multiple applications for parole into the United States during the validity of the parole authorization noted above. Each parole period is not to exceed one year from the date of parole at the port-of-entry.

**NOTICE TO APPLICANT:** Presentation of this authorization will permit you to resume your application for adjustment of status upon your return to the United States, if otherwise admissible under the Act. If your adjustment application is denied, you may be subject to removal proceedings under sections 235(b)(1) or 240 of the Act. If after April 1, 1997, you depart the United States after you were unlawfully present in the United States for more than 180 days before applying for adjustment of status, you may be found inadmissible under section 212(a)(9)(B)(i) of the Act and may not be permitted to enter when you return to the United States to resume the processing of your application. If found inadmissible, you will need to apply and qualify for a waiver of inadmissibility outside of the United States in order for your adjustment of status application to be approved.

  
(Signature of Immigration Officer)

Sandra T. Bushay



Venport Service Center

(Authorizing Officer)

(Parole Stamp)

Department of Homeland Security  
U.S. Citizenship and Immigration Services

**Authorization for Parole of an Alien into the United States**

(Family Name)	(Given Name)	(Middle Name)	Date Issued
QI, PENG			1/18/2005
Date of Birth (Month/Day/Year)	Country of Birth	(City or Town)	A# A97971497
08/07/1973	CHINA, PEOPLE'S REPUBLIC OF		EAC0506350755
U.S. Address/Apt. Number and/or In-Care Of	(Street Number and Name)	(City)	(State or Province) (Country)
5702 BALTIMORE DRIVE, MARLTON, NJ 08053			(Zip/Postal Code)

Presentation of this document will authorize a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act for bringing an alien who does not have a visa.

Presentation of the original of this document prior to 1/17/2006 will authorize an immigration officer at a port of entry in the United States to permit the named bearer, whose photograph appears hereon, to enter the United States:

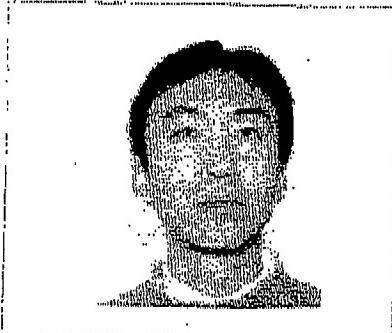
As an alien paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act.

**AUTHORIZATION:** The named bearer was authorized to depart the United States temporarily for bona fide business or personal reasons and intends to return to the United States to await the adjudication of his/her application for adjustment of status filed under the Immigration and Nationality Act (Act). Contingent upon the applicant's prima facie eligibility, this authorization is valid for multiple applications for parole into the United States during the validity of the parole authorization noted above. Each parole period is not to exceed one year from the date of parole at the port-of-entry.

**NOTICE TO APPLICANT:** Presentation of this authorization will permit you to resume your application for adjustment of status upon your return to the United States, if otherwise admissible under the Act. If your adjustment application is denied, you may be subject to removal proceedings under sections 235(b)(1) or 240 of the Act. If after April 1, 1997, you depart the United States after you were unlawfully present in the United States for more than 180 days before applying for adjustment of status, you may be found inadmissible under section 212(a)(9)(B)(i) of the Act and may not be permitted to enter when you return to the United States to resume the processing of your application. If found inadmissible, you will need to apply and qualify for a waiver of inadmissibility outside of the United States in order for your adjustment of status application to be approved.

(Signature of Immigration Officer)

Paul E. Novak Jr.



Vermont Service Center

(Authorizing Officer)

(Rubber Stamp)

Department of Homeland Security  
U.S. Citizenship and Immigration Services

## Authorization for Parole of an Alien into the United States

(Family Name)	(Given Name)	(Middle Name)	Date Issued
QI, PENG			10/21/2005
Date of Birth (Month/Day/Year)	Country of Birth	(City or Town)	(State or Province) (Country)
08/07/1973	CHINA, PEOPLE'S REPUBLIC OF		
U.S. Address (Apt. Number and/or In Care Of)	(Street Number and Name)	(City)	(State or Province) (Zip/Postal Code)
5702 BALTIMORE DRIVE, MARLTON, NJ 08053			

Presentation of this document will authorize a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act for bringing an alien who does not have a visa.

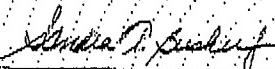
Presentation of the original of this document prior to 10/20/2006 will authorize an immigration officer at a port of entry in the United States to permit the named bearer, whose photograph appears hereon, to enter the United States.

- As an alien paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act.

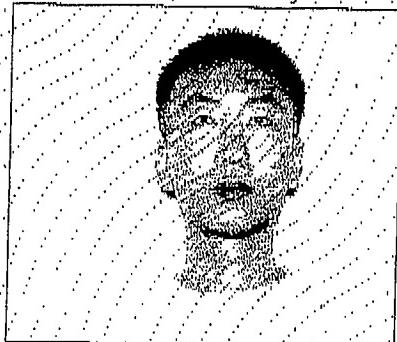


**AUTHORIZATION:** The named bearer was authorized to depart the United States temporarily for bona fide business or personal reasons and intends to return to the United States to await the adjudication of his/her application for adjustment of status filed under the Immigration and Nationality Act (Act). Contingent upon the applicant's prima facie eligibility, this authorization is valid for multiple applications for parole into the United States during the validity of the parole authorization noted above. Each parole period is not to exceed one year from the date of parole at the port of entry.

**NOTICE TO APPLICANT:** Presentation of this authorization will begin your resume your application for adjustment of status upon your return to the United States, if otherwise admissible under the Act. If your adjustment application is denied, you may be subject to removal proceedings under sections 235(b)(1) or 240 of the Act. If after April 1, 1997, you depart the United States after you were unlawfully present in the United States for more than 180 days before applying for adjustment of status, you may be found inadmissible under section 212(a)(9)(B)(i) of the Act and may not be permitted to enter when you return to the United States to resume the processing of your application. If found inadmissible, you will need to apply and qualify for a waiver of inadmissibility outside of the United States in order for your adjustment of status application to be approved.

  
 (Signature of Immigration Officer)

Sandra T. Bushley



Vermont Service Center

(Authorizing Officer)

(Parole Stamp)

